

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
AT ELKINS**

MOUNTAIN VALLEY PIPELINE, LLC,

Plaintiff,

v.

**Civil Action No. 2:24-cv-12
Judge Kleeh**

JEROME JAMES WAGNER,

Defendant.

**PLAINTIFF’S MOTION FOR LEAVE TO FILE
RESPONSE TO DEFENDANT’S MOTION TO DISMISS OUT OF TIME**

Mountain Valley Pipeline, LLC (“MVP”), by counsel, moves the Court to grant this Motion for leave to file an out-of-time response to Defendant’s Motion to Dismiss (ECF 6).

Defendant filed his Motion to Dismiss on July 1, 2024. Pursuant to LR Civ. P. 7.02, MVP’s response thereto was due fourteen days later, on July 15, 2024. At approximately 4:45 p.m. on July 15, 2024, an experienced member of the undersigned counsel’s staff logged into PACER, attempted to file MVP’s response, and thought she had successfully done so. The next morning, July 16, 2024, the staff member noticed that she had not received electronic notice of the filing, contacted this Court’s staff, was informed that the filing was not successful, and was instructed to file the Response again.

Accordingly, MVP moves that the Court accept the attached Plaintiff’s Response in Opposition to Defendant’s Motion to Dismiss attached as Exhibit 1, for good cause shown. This one day extension should not cause any prejudice to Defendant or his counsel, and MVP will not object if Defendant seeks an in-kind extension for his Reply, if he chooses to file one.

A proposed Order granting Plaintiff’s Motion for Leave to File Responses to Defendant’s Motion to Dismiss Out of Time is attached to this Motion.

Respectfully submitted,

**MOUNTAIN VALLEY PIPELINE, LLC,
By counsel,**

/s/ Timothy M. Miller

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CERTIFICATE OF SERVICE

The undersigned, as counsel for Plaintiff Mountain Valley Pipeline, LLC hereby certifies that a true and correct copy of the foregoing **Plaintiff's Motion for Leave to File Response to Defendant's Motion to Dismiss Out of Time** was filed this 16th day of July, 2024, through the Court's CM/ECF system which will send an electronic notification to counsel of record as follows:

William V. DePaulo, Esquire
PO Box 1711
Lewisburg, WV 25901
Counsel for Defendant

/s/ Timothy M. Miller

Timothy M. Miller (WVSB No. 2564)